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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3699 OF 2007

The Chief Executive Officer & anr. ... Petitioners

V/s

Shri Himmat Aabirao Borakade ... Respondent

Mr. M.B.Meher for the petitioners.

Mr. Vishwanath Talkute for the respondent.

CORAM: SMT. NISHITA MHATRE, J.

DATED: 29TH AUGUST, 2007.

P.C.:

1. The petition challenges the orders of the Labour Court and the Industrial Court. The Labour Court had directed reinstatement with continuity of service and full back wages. In the revision filed by the petitioner, the Industrial Court upheld the order of reinstatement and modified it in respect of back wages in the following manner:-

> "(a) The complainant is entitled to receive full back wages w.e.f. 1.1.1992 i.e. the date of filing of the complaint till the period of his reinstatement.

(b) The order in respect of back wages from the date of dismissal till 31.12.1991 is set aside."

2. The Industrial Court has given cogent reasons for reducing the full back wages to the amount that he has awarded. The termination of service was effected on 5.10.1990, whereas the respondent workman approached the Court only on 1.1.1992. The Industrial Court has, therefore, rightly reduced the back wages to that extent. The Industrial Court has also considered the admission on the part of the workman that he was earning a meagre amount of Rs.10/- a day as and when the labour work was availble and has rightly held that this amount could be ignored as it was necessary to keep the workman alive to see through the litigation to its end. In these circumstances, the Industrial Court has modified the order.

3. In my opinion, there is no reason to interfere with the findings of the Industrial Court. There is no perversity in the order nor are there any errors apparent on the face of the record.

4. Petition rejected.

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